

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA

V.

DEWAYNE MICHAEL COTTEN

NO. 3:15-CR-0068-K

**PRELIMINARY ORDER OF FORFEITURE**

Before the Court is the Government's Unopposed Motion for a Preliminary Order of Forfeiture, filed on January 13, 2017. After consideration, the Court determines the motion should be and is hereby **GRANTED**.

The government notified the defendant that it would seek to forfeit 1) a Heritage, Model Rough Rider, .22 caliber revolver, bearing serial number 155284, and any ammunition contained therein; 2) a Taurus, Model PT738, .380 caliber pistol, bearing serial number 41493D, and any ammunition contained therein; and 3) assorted ammunition and magazines ("the property") upon the defendant's conviction on Counts One and Two of the indictment. The defendant pled guilty to these offenses and described in a factual resume how the property was involved in that offense.

Based on the defendant's guilty plea and factual resume, the Court finds the property is subject to forfeiture to the government pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c). It is therefore ordered that the property is forfeited to the government, subject to the provisions of 21 U.S.C. § 853(n).

It is further ordered that, pursuant to 21 U.S.C. § 853(g) and Fed. R. Crim. P. 32.2, the Department of Homeland Security (or its designee) shall seize the property and hold it in its secure custody and control pending a final order of forfeiture.

It is further ordered that, pursuant to 21 U.S.C. § 853(n)(1) and Fed. R. Crim. P. 32.2, the Attorney General shall publish notice of the forfeiture order for at least 30 consecutive days on an official government Internet site ([www.forfeiture.gov](http://www.forfeiture.gov)). The notice shall state the government's intent to dispose of the property and state that any person, other than the defendant, having or claiming a legal interest in the property must file a petition with the Court no later than 60 days after the first day of the publication and serve a copy on Lisa J. Dunn, Assistant United States Attorney, 1100 Commerce Street, Third Floor, Dallas, Texas 75242. The petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property; shall be signed by the petitioner under penalty of perjury; and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, and any additional facts supporting the petitioner's claim and the relief sought. The government shall send, by means reasonably calculated to reach the person, written notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture.

Upon adjudication of all third-party interests, this Court will enter a final order of forfeiture addressing those interests.

**SO ORDERED.**

Signed January 17<sup>th</sup>, 2017.

  
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UNITED STATES DISTRICT JUDGE